



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Gina Bartolomei-
Belfiore, Department of the Treasury

Classification Appeal

CSC Docket No. 2018-1119

ISSUED: JULY 20, 2018 (SLK)

Gina Bartolomei-Belfiore appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of the Treasury is Taxpayer Service Representative 2 (TSR2). The appellant seeks a classification of Taxpayer Service Representative 1 (TSR1).

The record in the present matter establishes that the appellant is permanent in the title TSR2. Her position, located in the Division of Taxation, reports to a TSR1. Agency Services found that among other duties, the appellant evaluated the work performance and signed the performance evaluation for one Taxpayer Service Representative 3 (TSR3) and trained, instructed, and oversaw the work of other Taxpayer Service Representatives in her unit. However, it denied her request for a higher classification finding that in order to be a TSR1, she would have been required to supervise a minimum of three subordinates, including signing performance evaluations for such employees.

On appeal to the Civil Service Commission (Commission), with respect to Agency Service’s determination that a primary level supervisor must supervise at least three lower-level employees, the appellant states that she supervised the work of a TSR3 along with four Tax Representative Trainees (Trainees). She indicates that this work included assigning and reviewing completed work for these five employees. However, the appellant acknowledges that she only signed the performance evaluation for the TSR3. She represents that her superiors wanted her to supervise all five employees, however, the appointing authority’s human resources department advised her superiors that she could not sign any

performance evaluations even though she had been supervising a TSR3 for over one year and a half without an issue. In reference to Agency Service's determination that the appellant's position cannot be a TSR1 because that would be an inappropriate reporting relationship since she would reporting to someone who holds the same title, the appellant asserts that if her position were to be reclassified to TSR1, she would be assigned a new supervisor who would hold a higher supervisory title.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for the title TSR1 states:

Under supervision in the Department of the Treasury, supervises the work of subordinate representatives in encouraging voluntary compliance with New Jersey tax laws by providing education, information, and assistance to taxpayers, their representatives, and/or division staff relative to the taxes administered by the division; and/or working alone, researches, investigates, and responds to the more complex tax administration cases; does related work as required.

The definition section of the job specification for the title TSR2 states:

Under supervision in the Department of the Treasury, encourages voluntary compliance with New Jersey tax laws by providing education, information, and assistance to taxpayers, their representatives, and/or division staff relative to more complicated tax administration matters of the division; may provide guidance to lower level staff; does related work as required.

In the instant matter, it is clear that the appellant's position is properly classified as a TSR2. The TSR1 title is a primary level supervisory title. Supervisory experience includes responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit in order to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for

particular tasks. They provide on-the-job training to subordinates when needed, and make employee evaluations based on their own judgment. They have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005). *See also, In the Matter of Susan Simon and William Gardiner* (Commissioner of Personnel, decided September 10, 1997). Moreover, the Civil Service Commission has determined that the *essential component* of supervision is the responsibility for the administration of performance evaluations for subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 8, 2001). Actual authority is evidenced by being named the rater on the performance evaluation document. *See In the Matter of Harry Corey, et al.* (MSB, decided September 21, 2005).

In the present case, the appellant had supervisory responsibility for one TSR3 at the time of the classification review, but acknowledges that she did not sign the performance evaluations for the four Trainees that she oversaw. Therefore, the appellant was a lead worker and not a supervisor for these Trainees as a lead worker is someone whose duties and responsibilities include training, assigning and reviewing work of other employees on a regular and recurring basis, but whose duties do not include the responsibility and preparation of performance evaluation. *See In the Matter of Henry Li* (CSC, decided March 26, 2014). The possibility that her superiors may have wanted her to sign the performance evaluations for the Trainees is not relevant, as she was never actually given this responsibility. With respect to the number of employees an incumbent in the TSR1 title is required to supervise, Agency Services has determined that the standard required to classify titles assigned to the primary level supervisory employee relations group is that the position must supervise three or more lower-level employees, including the preparation and signing of their performance evaluations. Although the TSR1 job specification does not delineate a specific number of staff to supervise, the definition portion clearly indicates incumbents supervise the work of subordinate representatives. *See In the Matter of Rosemary Lynne Gash* (CSC, decided April 19, 2017).

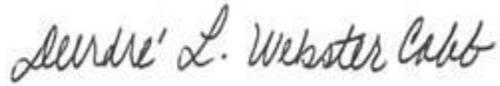
A thorough review of the information presented in the record establishes that the appellant's position is properly classified as TSR2 and she has not presented a sufficient basis to establish that her position is improperly classified.

ORDER

Therefore, it is ordered that this appeal be denied, and the position of Gina Bartolomei-Belfiore is properly classified as a Taxpayer Service Representative 2.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18th DAY OF JULY, 2018



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Gina Bartolomei-Belfiore
Douglas Ianni
Kelly Glenn
Records Center